

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA and)
STATE OF INDIANA ex rel. JUDITH)
ROBINSON,)
)
Relator,)
)
v.) Case No. 1:13-cv-2009-TWP-MJD
)
)
INDIANA UNIVERSITY HEALTH, INC.,)
HEALTHNET, INC., and MDWISE, INC.,)
)
Defendants.)
)
)

)

**HEALTHNET, INC.'S BRIEF IN SUPPORT OF
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendant HealthNet, Inc. (“HealthNet”), by counsel and pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), hereby submits its Brief in Support of Motion to Dismiss the Second Amended Complaint filed by Plaintiff/Relator Judith Robinson.¹ HealthNet respectfully moves to dismiss Counts I and II of the Second Amended Complaint. These two Counts allege that HealthNet violated the federal False Claims Act and the Indiana False Claims Act by submitting claims for payment under the Indiana Medicaid program in violation of the federal Anti-Kickback Statute.

For the purposes of efficiency and judicial economy, HealthNet expressly incorporates by reference the Memorandum of Law In Support of Motion to Dismiss filed by Indiana University

¹ Counts III, IV, V, and VI of the Second Amended Complaint are identical to Counts I, II, V, and VI of the Amended Complaint, which the Court previously declined to dismiss. This motion tolls HealthNet’s deadline for answering those Counts. See, e.g., *Richter v. Corporate Fin. Assocs., LLC*, No. 1:06-CV-1623-JDT-TAB, 2007 WL 1164649, at *2 (S.D. Ind. Apr. 19, 2007); *Oil Express Nat'l, Inc. v. D'Alessandro*, 173 F.R.D. 219, 220-21 (N.D. Ill. 1997).

Health, Inc. f/k/a Clarian Health Partners, Inc. (“IU Health”) (Doc. 177). The arguments, logic, and authorities articulated therein by IU Health establish that the claims asserted against HealthNet also should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on this 20th day of June, 2016. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Lauren C. Sorrell

Lauren C. Sorrell

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